

**VILLAGE OF RED HOOK
ZONING BOARD OF APPEALS MEETING
May 23, 2024**

Present: Chair Erik Cuthell, Member Maarten Reilingh and Member Janice Potter

Absent: Member David Javicas & Member Kristin Luks

Chair Cuthell opened the May 23, 2024 Zoning Board of Appeals Meeting at 6:30pm.

Chair Cuthell made a motion to approve the Minutes of ZBA Meeting dated October 26, 2023. Motion seconded by Member Reilingh. All in Favor. Motion approved.

Chair Cuthell made a motion to approve the Minutes of ZBA Meeting dated April 25, 2024. Motion seconded by Member Reilingh. All in Favor. Motion approved.

Chair Cuthell announced members present and that there was a quorum for tonight's meeting.

Agenda Item #1:

Holly Weber – Church Street Nursery School
52 W. Market Street
Tax Parcel ID 6272-10-357737
Area Variance

Present: Holly Weber, Director for Church Street Nursery School

Chair Cuthell asked the applicant if she had submitted any guidelines from NYS regarding daycare fence heights. Ms. Weber advised that there is nothing concrete but submitted the regulations that they follow for the Department of Health and a printout of something for playgrounds for safety but that she found nothing on height regulations with NYS.

Chair Cuthell said we are here to allow to go up a foot and was hoping that NYS had something pertaining to that, but this Board will discuss this when we debate and take a vote.

Chair Cuthell advised this was a continuation of a variance application for a request of a proposed 5 foot fence which surrounds the current playground for the nursery school and that the property is located in the R10,000 District and is a corner lot, wherein both sides are considered to be front yard, and per Zoning Section 200-16-E-26-(a) front yard fences can only be 3 feet in height.

Chair Cuthell said the fence in question is already 4 foot in height but this Board will have to recognize we are going to 5 feet from 3 feet. Secretary Hart advised they had approval and were previously issued a building permit for a 4 foot fence.

Chair Cuthell advised that all public hearing notices were mailed, and receipts submitted to the building department and no comments received via regular mail or email.

Chair Cuthell made a motion to open the public hearing for the area variance application for property located at 52 W. Market Street listed under Tax Parcel ID 6272-10-357737 at 6:34pm. Motion seconded by Member Potter. All in favor. Motion approved.

PUBLIC HEARING SIGN IN SHEET:

#1. Erica Grim – 21 Aspinwall Avenue, Red Hook, NY

Ms. Grim said she is a parent of a child who attends Church Street Nursery School and with a 3 foot fence, even with supervision, if someone were to walk up to the existing fence it would be super easy to lift a child up and walk away and a 5 foot fence would prevent others that access which would be more comforting as a parent of a student there.

NO OTHER PERSONS PRESENT.

Chair Cuthell made a motion to close the public hearing for the area variance application for property located at 52 W. Market Street listed under Tax Parcel ID 6272-10-357737 at 6:36pm. Motion seconded by Member Reilingh. All in favor. Motion approved.

Chair Cuthell said the work in question has no environmental impact and recommends classifying as a Type II Action.

Chair Cuthell made a motion to classify the area variance application for 52 West Market Street as a TYPE II Action with no further environmental review. Motion seconded by Member Potter. All in favor. Motion approved.

Chair Cuthell said the only concern is that they don't grant something at its minimum and there is a unique circumstance here with it being a nursery school/playground on the corner and believes there are no other corner lot nursery schools in the Village, so this Board should include wording considering a condition that the fence is being allowed because there is a nursery school and a safety issue for children. Board members agreed.

Chair Cuthell began answering questions of the AREA VARIANCE FINDINGS (TEST SHEET): (See completed sheet below)

**ZONING BOARD OF APPEALS
AREA VARIANCE FINDINGS & DECISION**

Applicant: HOLLY WEBER (Church St. Nursery School)

Appeal Concerns Property at the following address:
52 W. Market St.

County Tax Map Section: 6272 Block 10 Lot 357737
Zoning District Classification: R10,000

OFFICE USE ONLY	
Application No. AV-	<u>W/A</u>
Date of Application:	<u>4/4/2024</u> (Postmarked or Hand Delivered)
Date of Public Hearing:	<u>5/23/2024</u>
Date Notice Published:	<u>5/1/2024</u>
Date of County Referral:	<u>N/A</u>
Date of Final Action:	
Date of Filing of Decision with the Municipal Clerk:	

Requirement for which Variance is Requested:
(Fence - 4ft. to 5ft.)

Applicable Section(s) of Zoning Code: 200-16-E-26-(a)

TEST: No area variance will be granted without a consideration by the board of the following factors:

1. Whether undesirable change would be produced in character of neighborhood or a detriment to nearby properties: Yes ___ No

Reasons: _____

2. Whether benefit sought by applicant can be achieved by a feasible alternative to the variance: Yes ___ No

Reasons: _____

3. Whether the requested variance is substantial: Yes ___ No

Reasons: _____

4. Would the variance have an adverse impact on the physical or environmental conditions in the neighborhood: Yes ___ No

Reasons: far enough back - No traffic obstruction

5. Whether the alleged difficulty was self-created: Yes ___ No

Reasons: _____

DETERMINATION OF ZBA BASED ON THE ABOVE FACTORS:

The ZBA, after taking into consideration the above five factors, finds that:

the Benefit to the Applicant DOES NOT Outweigh the Detriment to the Neighborhood or Community and therefore the variance request is denied.

the Benefit to the Applicant DOES outweigh the Detriment to the Neighborhood or Community.

Reasons:

The ZBA further finds that a variance of 1 foot 200-116-E-216-(a) from Section _____ of the Zoning Code is the minimum variance that should be granted in order to preserve and protect the character of the neighborhood and the health, safety and welfare of the community because:

CONDITIONS: The ZBA finds that the following conditions are necessary in order to minimize adverse impacts upon the neighborhood or community, for the reasons following:

Condition No. 1: For Safety of School/Playground
Adverse impact to be minimized:

Condition No. 2:

Adverse impact to be minimized:

[Signature] 5/23/2024
Chairman, Zoning Board of Appeals Date
Eric Cathell

RECORD OF VOTE

	MEMBER NAME	AYE	NAY
Chair	<u>Cathell</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Member	<u>Potter</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Member	<u>Keilingsh</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Member	_____	<input type="checkbox"/>	<input type="checkbox"/>

Chair Cuthell made a motion to approve the area variance as proposed for property located at 52 W. Market Street listed under Tax Parcel ID 6272-10-357737 granting a one (1) foot variance for the construction of a fence going from 4 feet in height to 5 feet in height with the following condition:

Variance is allowed for safety of a school playground.

Motion seconded by Member Potter. All in favor. Motion approved.

Agenda Item #2:

Red Hook Rentals, LLC –
15 Church Street
Tax Parcel ID 6272-10-358703
Area Variances (2)

Present: Francisco Pujol – Owner
David Ruff – Architect

Chair Cuthell advised applicants were present to proposed two area variances with application dated May 8, 2024:

1. Side Yard 10' to 3'-7"
2. Lot Coverage 15% to 16.46%

Chair Cuthell advised applicants have provided good information and asked applicant to come forward to present.

Mr. Ruff advised the property is located at 15 Church Street and is a 50 x 100 foot typical lot size with an existing home on the lot. Mr. Ruff said they are embarking on a renovation and slight expansion.

Mr. Ruff said currently the house sits on the lot and is odd shaped which is shown on their submitted plans on page 5 – and clearly shows there have been some additions to the house.

Mr. Ruff said the side yard to the south is in non-compliant condition, and non-compliant in 2 ways – there was a small extension that increased the non-compliance, but the original build is non-compliant with today's Zoning. Mr. Ruff said the other side is compliant both front yard and front side and rear are compliant but the additional piece that is of non-compliant condition as built is the location of the septic, and roughly 14.6% on the lot coverage.

Mr. Ruff said as they look to renovate the home, they'd like to increase compliance on the south yard side by removing one of those small extension pieces and lining up the new build with the line of the south facade of the original house which would put the setback at roughly 3'7".

Mr. Ruff said they will also be moving the septic away from the rear yard of the house to meet compliancy standards of the Village and State.

Mr. Ruff said with lot coverage as they work through their design ideas and trying to achieve some highly functional components to the home and not increasing bedroom count and adding a mudroom and laundry area and that the owner is moving into the home and that they are looking for a roughly 1.4% increase to the lot coverage.

Mr. Pujol said there have been a lot of additions to the home over time and this is just to make it nicer and more fitting.

Mr. Ruff said they will be back with design and roof pitch. Chair Cuthell said those requirements would be for the building inspector.

Chair Cuthell asked if they were removing the house and building a new one. Mr. Ruff said no. Chair Cuthell said good because the footprints did not seem to line up on paper. Chair Cuthell asked if they are just doing a full renovation on the house. Mr. Ruff said they are just doing a sliver of demo on the south side to increase compliancy and a sliver of a demo on the right side. Mr. Ruff said the front porch and façade is remaining the same.

Member Potter asked if that is what was coming off the gray areas on page 6. Mr. Ruff said correct, and they want to keep the bones of the home.

Chair Cuthell said their application is complete and recommends this Board motion as complete. Chair Cuthell asked for Board comments.

Member Reilingh said he felt it was crystal clear now. Member Potter said she was happy they were moving in instead of renters.

Chair Cuthell made a motion to accept the area variance application for 15 Church Street as complete. Motion seconded by Member Potter. All in favor. Motion approved.

Chair Cuthell made a motion to set a public hearing for the area variance application for property located at 15 Church Street listed under Tax Parcel ID 6272-10-358703 to June 27, 2024 at 6:30pm. Motion seconded by Member Potter. All in favor. Motion approved.

Chair Cuthell made a motion to table the area variance application for property located at 15 Church Street listed under Tax Parcel ID 6272-10-358703 to June 27, 2024 at 6:30pm. Motion seconded by Member Potter. All in favor. Motion approved.

Public hearing notice with address list was provided to applicant.

Chair Cuthell made a motion to adjourn the May 23, 2024 ZBA Meeting at 6:58pm. Motion seconded by Member Potter. All in favor. Motion approved.

Lara Hart,
Secretary, Village of Red Hook ZBA